IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE

W/S Burke Road, 290' S of Burke Road

* DEPUTY ZONING COMMISSIONER

(1316 Burke Road) 15th Election District

* OF BALTIMORE COUNTY * Case No. 91-39-A

5th Councilmanic District

Victor J. Bongiorno Petitioner * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit side yard setbacks of 17.81 feet and 22.62 feet in lieu of the required 50 feet each for a single family dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.). Furthermore, strict compliance with the B.C.Z.R. would $\mathcal{I}_{ ext{result}}$ in practical difficulty and/or unreasonable hardship upon the Petitioners.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- Conserve fish, wildlife, and plant habitat; and

PETITION FOR RESIDENTIAL VARIANCE

the description and plat attached hereto and made a part hereof, petition for a Variance from Section

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following wason:

To allow a single family dwelling with side yard servacks

The undersigned, legal owner(s) of the property situate in Baltimore County

of 17.81 ft. and 22.62 ft. in lieu of the required 50 ft. each.

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE EFMIRED.

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of September, 1990 that the Petition for Residential Variance to permit a single family dwelling with side yard setbacks of 17.81 feet and 22.62 feet in lieu of the required 50 feet each, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The existing dwelling shall be removed within thirty (30) days of the issuance of an occupancy permit for the proposed dwelling. At no time shall the two dwellings be simultaneously occupied.

Baltimore County Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

September 10, 1990

Dennis F. Rasmussen
County Executive

Mr. Victor J. Bongiorno 1316 Burke Road Baltimore, Maryland 21220

RE: PETITION FOR RESIDENTIAL VARIANCE W/S Burke Road, 290' S of Burke Road (1316 Burke Road) 15th Election District - 5th Councilmanic District Victor J. Bongiorno - Petitioner

Case No. 91-39-A Dear Mr. Bongiorno:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

for Baltimore County

a Maistonia ANN M. NASTAROWICZ Deputy Zoning Commissioner

cc: Chesapeake Bay Critical Areas Commission Tawes State Office Bldg. - D-4, Annapolis, Md. 21404

File

(indicate herdship or practical difficulty)

I Allow Existing dwelling To Romain until New Construction completion with a place to welling to Romain until New Construction completion who affects choop we also as a factor of the affects of the aff Property is to be advertised and/or posted as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: purchaser or representative to be centacted. Victor J Jangiseno ORDERED by the Zoning Commissioner of Baltimore County, this John day of John, 1990, that the subject matter of this petition be posted on the property on or before the 3th day of Aug 18 90 . ZONING COMMISSIONER OF BALTIMONE COUNTY

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19___, that the subject

ZONING COMMISSIONER OF BALTIMUME COUNTY

matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19___, at ____ o'clock,

AFFIDAVIT 91-39-A IN SUPPORT OF RESIDENTIAL ZONING VARIANCE The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with That the Affiant(s) does/do presently or upon settlement will reside at That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty) 1. Allow Fristing dwelling to Runnintil veneralente Wellen of the To his to the Chiloren who Altero School Strong of later on Selforto 3 A SUL 100 Std and not Steer trans suns to 2 Mar addition of Frishe due has seen formans. The way That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. AFFIANT (Handwritten Signature) I HEREBY CERTIFY, this day of help the fourty aforesaid, personally appeared VICTOR J. BONGIORNO the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal. My Commission Expires: October 1, 1992

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated August 27, 1990, attached hereto and made a part hereof.

(Loren Land ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Beginning at a point on the West side of Burke ROAD which is 30' wide at the distance of 290 ± South-West OF The Centerline of the Nearest improved intersecting STREET BURKE ROAD WHICH IS 30 WIDE. BEING 15TE 13 Plat# In the Bowleys Oureters Company as Recorded in Baltimore County plat book#7, folio 12 containing .54 acres. Also known as 1316 Burke Road and located in the 15th election district

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	Tour County	Comfi	ter NOT	Working , NA fo but NA Dis Account: R.C.	DE OFF	roc	qie
	Baltimore County Zoning Commision County Office Building 111 West Chesapeake Ave. Towson, Maryland 21204	ier ISACC	epting	Account: R-C	001-6150	N≘	2982 2999
Date	7-20-905	/					
· Vic	tor Borngi	orno DN.					
131	6 Burke	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	rodivê	Variance			
Resi	dontial 1	Administ.	4,7		H	em#	28
	Petition: Sign	25.00			•		
		160.00		04A04#010 BA C010:48	SMICHRE SAMU7-20-		\$30.00

Please make checks payable to: Baltimore County

County Office Building

2994 2982

H9100028

PUBLIC HEARING FEES 010 -ZONING VARIANCE (IRL) 080 -POSTING SIGNS / ADVERTISING 1 X

LAST NAME OF OWNER: BONGIORNO

PAID AS PER HAND WRITTEN RECEIPT #2982 DATED 7/20/90

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines



Your petition has been received and accepted for filing this 18th day of July, 1990.

ZONING COMMISSIONER

Petitioner: Victor J. Bongiorno Petitioner's Attorney:

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Petitioner: Victor J. Bongiorno

Location of Signer Focing Burks Rd., approx : 70' Fr. 700d way

on proporty of Petiterner

Location of property: W/S BUNKS Rd., 790'+ S/BUNKS Rd.

Towners, Maryland

BALTIMORE COUNTY, MARYLAND

J. Robert Haines Zoning Commissioner

Number of Signs:

INTER-OFFICE CORRESPONDENCE

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Victor J. Bongiorno, Item No. 28

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM28/ZAC1

DATE: August 6, 1990

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

July 25, 1990

Mr. Victor J. Bongiorno 1316 Burke Road Baltimore, Maryland 21220



Re: CASE NUMBER: 91-39-A ITEM NUMBER: 28 LOCATION: 1316 Burke Road

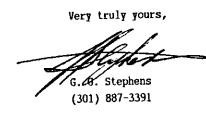
Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 8, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is August 23, 1990). Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.



BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL 7/26/90 ROTECTION AND RESOURCE MANAGEM

Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Zoning Item 1 28, Zoning Advisory Committee Meeting of August 7, 1990

Property Owner: Victor J. Bongiorno

Location: 1314 Barke Road District: 15

Water Supply: metro Sewage Disposal: private

COMMENTS ARE AS FOLLOWS: () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment

for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval. . () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.

() A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

() A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.

() Prior to approval of a Fuilding Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and severage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information. contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations For more complete information, contact the Division of Maternal and Child Health.

() If lubrication work and oil changes are performed at this location, the method providing for the elimination

of waste oil must be in accordance with the State Department of the Environment.

() Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775.

() Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.

() Soil percolation tests, have been ____, must be ____, conducted. () The results are valid until

() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.

() Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test

() shall be valid until () is not acceptable and must be retested. This must be accomplished prior to conveyance of property

and approval of Building Permit Applications. () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

() If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management () In order to subdivide this property, the owner or developer will be required to comply with the subdivision

regulations of the State of Maryland and Baltimore County. If there are any questions regarding the

subdivision process, please contact the Land Development Section at 887-2762. Others Review of soil conditions in area and evaluation of existing sewage disposal system will be required prior to approval by this Dept. of a beilding permit to construct a new home on this property, Soil evaluations may be required. For further internation, contact Mr. Robert Powell of the Water + Sewer Division at 887-2762.

MANACEMENT....

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

August 15, 1990

Mr. Victor J. Bongiorno 1316 Burke Road Baltimore, MD 21220



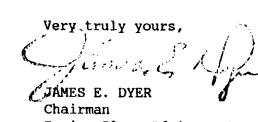
RE: Item No. 28, Case No. 91-39-A Petitioner: Victor J. Bongiorno Petition for Residential Variance

Dear Mr. Bongiorno:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.



Enclosures

Zoning Plans Advisory Committee

Baltimore County

Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500

Paul H. Reincke

JULY 30, 1990



J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Dennis F. Rasmussen

RE: Property Owner: VICTOR J. BONGIORNO

Location:

#1316 BURKE ROAD

Item No.: Gentlemen:

Zoning Agenda: AUGUST 7, 1990

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

Special Inspection Division

JK/KEK

AUG 0 8 1990 BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES ZONING ITEM #: 28 PROPERTY OWNER: LOCATION: ELECTION DISTRICT: COUNCILMANIC DISTRICT: A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE POLLOWING: PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF WARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED. () RAMPS (degree slope) PARKING LOCATION () CURB CUTS NUMBER PARKING SPACES () SIGNAGE BUILDING ACCESS PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE. ightarrow A building permit is required before any construction can begin. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS. STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE). PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900. THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

9/-39-/BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines DATE: August 27, 1990
Zoning Commissioner

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 28
Bongiorno Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 1316 Burke Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. Victor J. Bongiorno

APPLICANT' PROPOSAL

The applicant has requested a variance from section 1.A.O.4.3.B.3. of the Baltimore County Zoning Regulations to allow a single family dwelling with side yard setbacks of 17.81 feet and 22.62 feet in lieu of the required 50 feet each.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines August 27, 1990 Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-216(a)>.

Finding: This property is located on Galloway Creek in Bowley's Quarters. The existing house is located approximately 70 feet from the shoreline and the proposed house shall be located at least 100 feet back from the shoreline. The existing house shall be razed and planted with trees and shrubs. This proposal will be establishing a 100 foot vegetated buffer.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site, therefore no filling of wetlands shall occur.

3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The sum of the proposed impervious surfaces equals 15% of this lot. This includes the proposed house, garage and macadam driveway. No more structures or impervious surfaces will be allowed, so that the sum of impervious surfaces shall not exceed 15% of the lot.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%"<COMAR 14.15.02.04

<u>Finding:</u> The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: 4 items - ball and burlap or 2 gallon container size

Tree list:

1 item - minimum 4 foot size

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

R.C. 20

R.C. 20

R.C. 20

R.C. 30

R.C

Memo to Mr. J. Robert Haines August 28, 1990 Page 3

5. Regulation: "The stormwater management system shall be designed so that:

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state:

(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code, Section 22-217(h)>.

Findings: In order to comply with the above regulation, rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached drainage information sheet). This will encourage maximum infiltration of stormwater and decrease the amount of runoff leaving the site.

CONCLUSION

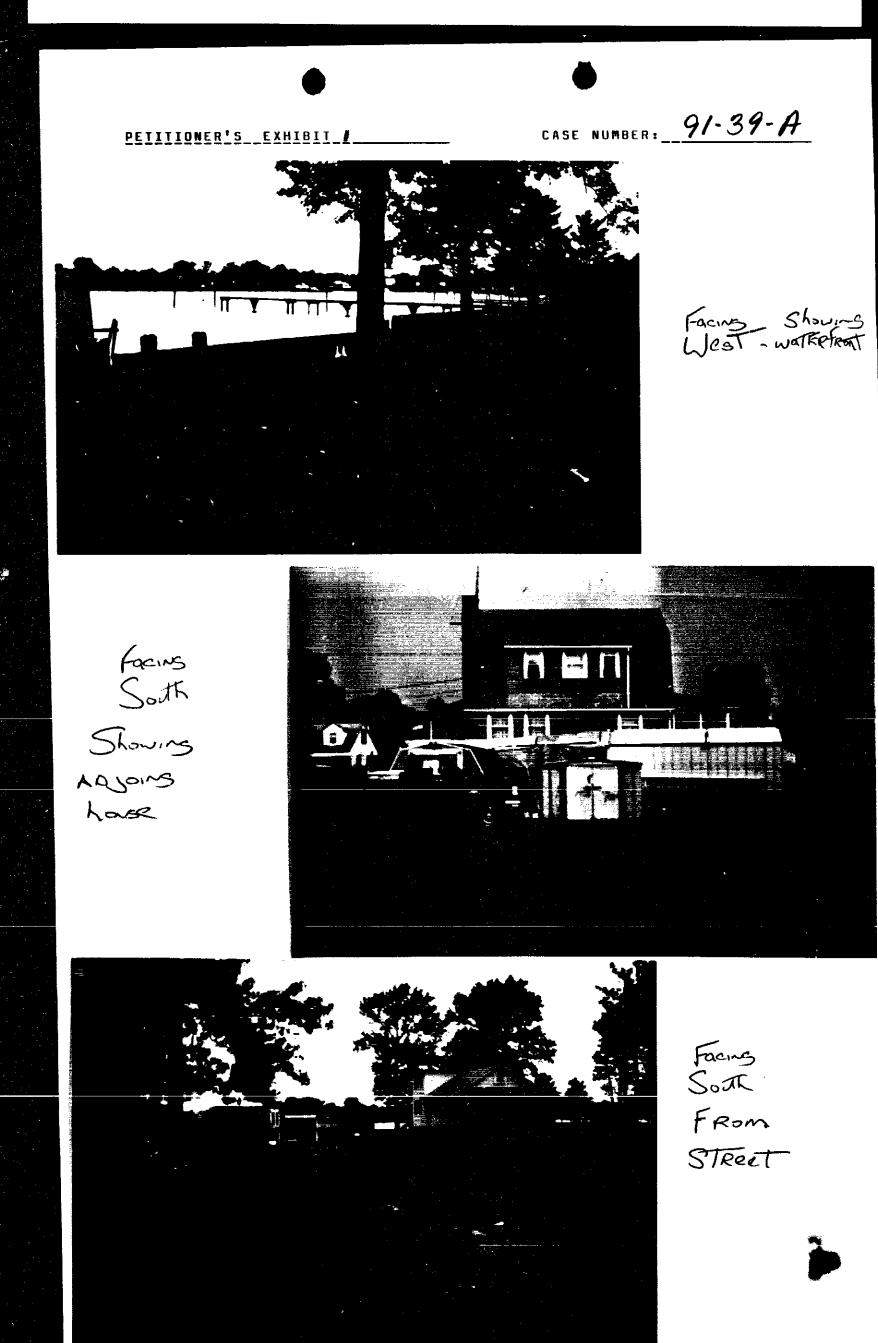
The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

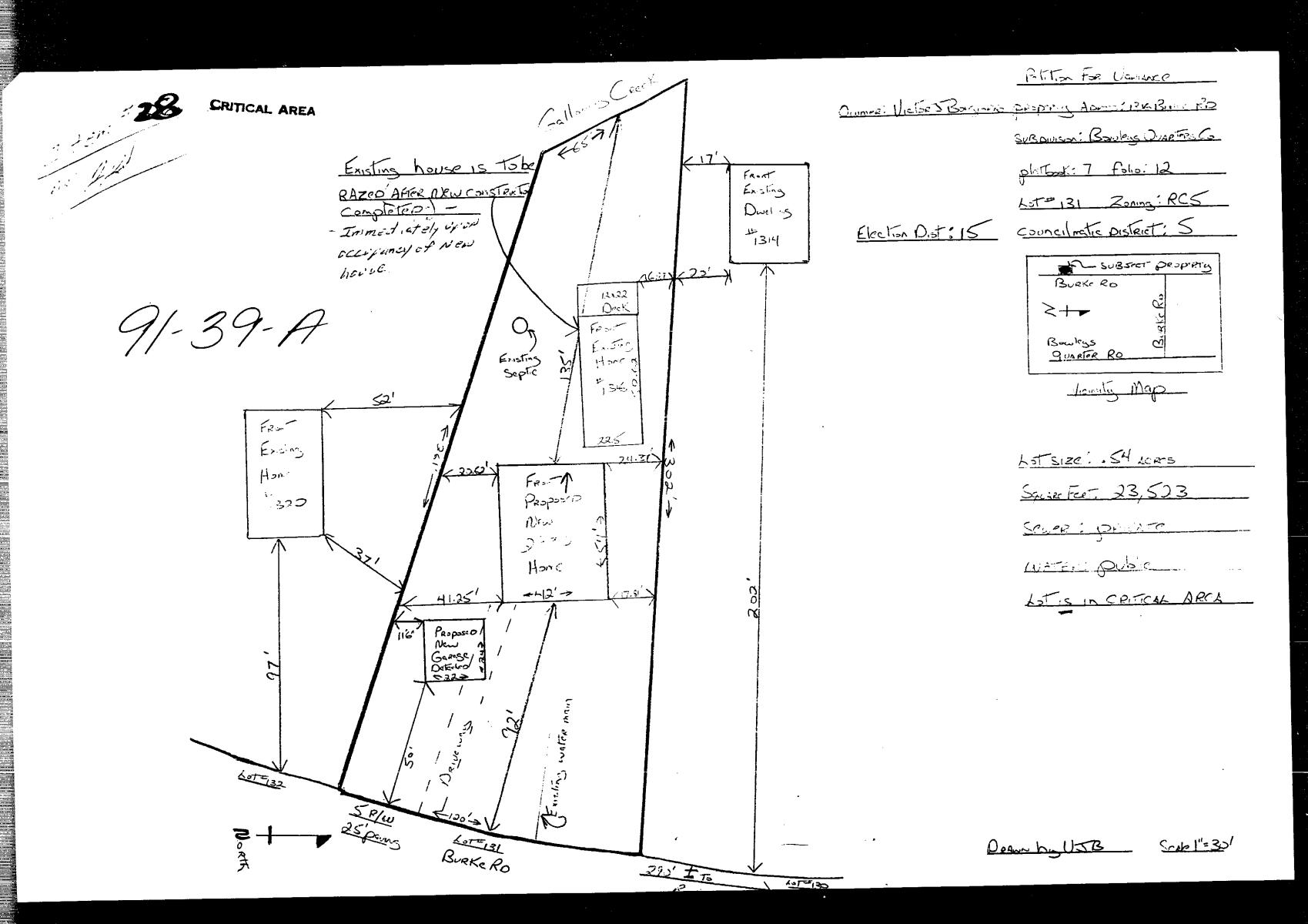
Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:NSS:ju Attachment

cc: The Honorable Ronald B. Hickernell The Honorable Norman W. Lauenstein The Honorable Dale T. Volz



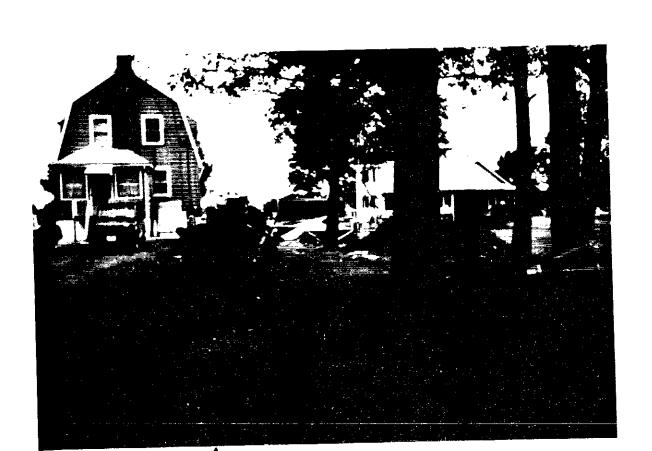






Facing South on MORT Sim of house

PETITIONER'S EXHIBIT # CASE NUMBER: 9/-39-A



Showing proporty line between hones on South Side Fron Surveyors Stake



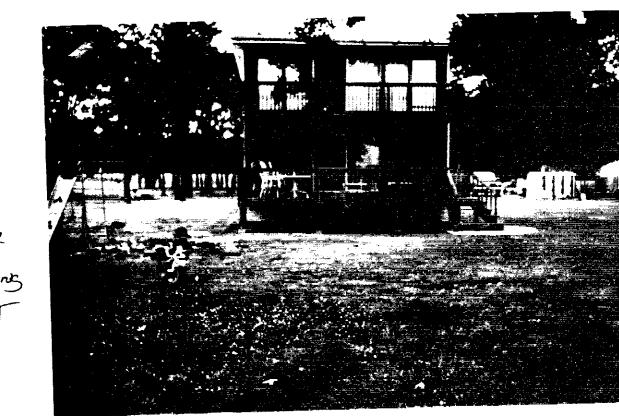
Showing distance between

FRONT OF HOME and FRONT STROOT

TREE live is proporty live

Facing Mark-East

PETITIONER'S EXHIBIT # CASE NUMBER: 9/-39-A





BulkherD of ADJOINING PROPERTY

PETITIONER'S EXHIBIT # CASE NUMBER: 91-39-A



Showing Existing Front of home with develop facing NORTH-WEST

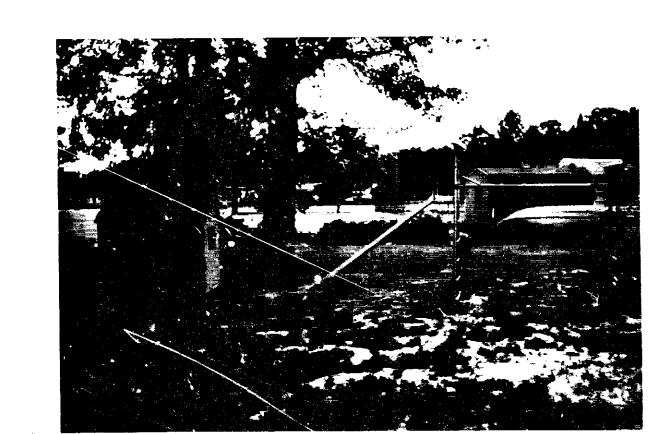


Picture showing NORTH SIDE PROPORTS live From SURVEWORS STEKE FORING WEST

PEILITIONER'S EXHIBIT # CASE NUMBER: 91-39-A

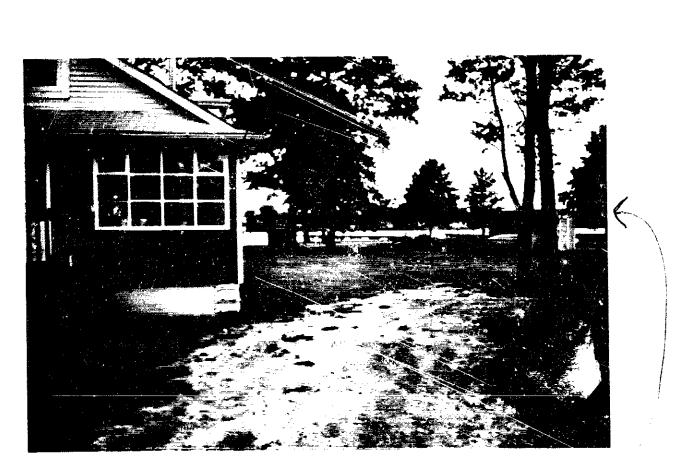


Facing West along South Side of home

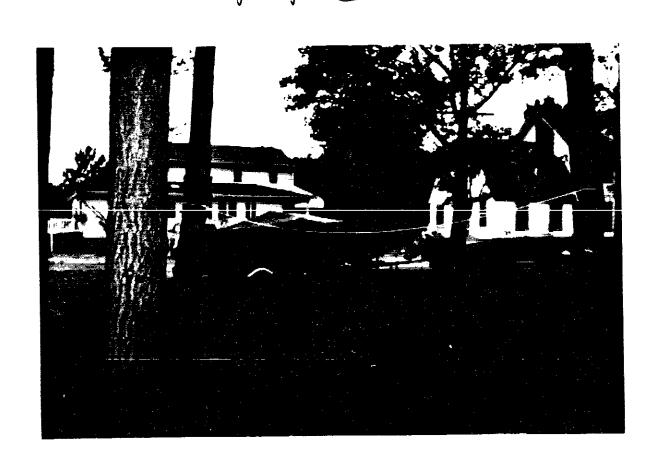


Showing a going propriety
facing NORTH WITH Existing Foundation

PETITIONER'S EXHIBIT # CASE NUMBER: 91-39-A



Showing set back-side of Existing four outron-New profits and property live



Facing NORTH Showing actions property from my proporty line.

PETITIONER'S EXHIBIT # CASE NUMBER: 91-39-A



REAR OF home on west SiDC



NORTH Side of proports line Facing East

PETITIONER'S EXHIBIT 1 CASE NUMBER: 91-39-A



Facing East Showing ROAR of home From Dulkhead.



Showing Next door From propets line facing south